

AMENDED IN SENATE MAY 12, 2003

AMENDED IN SENATE APRIL 28, 2003

**SENATE BILL**

**No. 898**

**Introduced by Senators Burton and Machado**

February 21, 2003

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An act to ~~add and repeal Sections 65852.13 and 66474.5 of the Government Code~~, relating to land conservation.

LEGISLATIVE COUNSEL'S DIGEST

SB 898, as amended, Burton. ~~Farm~~~~land conservation~~ *Open space and agricultural land.*

The Planning and Zoning Law authorizes a city or county to adopt ordinances that regulate the intensity of land use and requires every city and county to prepare and adopt an open-space zoning ordinance consistent with an open-space plan that provides for, among other things, the continued availability of land for the production of food and fiber.

*This bill would declare the intent of the Legislature to enact legislation that would provide long-term protection for California's productive agricultural lands and the viability of this important sector of the California economy.*

~~The Subdivision Map Act requires the legislative body of a city or county to deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any one of specified findings.~~

~~This bill would, until January 1, 2015, prohibit any county or city, including a charter city, from zoning, rezoning, or prezoning any important cropland, as defined, for nonagricultural use and from~~

~~granting approval of a tentative map or parcel map if the land is important farmland that would be converted to a nonagricultural use unless the county or city makes specified findings.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

~~SECTION 1. Section 65852.13 is added to the Government~~

~~SECTION 1. The Legislature finds and declares all of the following:~~

~~(a) Stewardship of California's rich and productive soils is an essential part of ensuring the long-term, sustainable economic growth of this state.~~

~~(b) The long-term conservation of open space and agricultural land is critical to the welfare of the people of California.~~

~~(c) The long-term conservation of agricultural land will benefit urban areas by ensuring that a steady supply of high quality, low-cost fresh foods are available to urban residents and by conserving world-class agricultural soils.~~

~~SEC. 2. It is the intent of the Legislature to enact legislation that would provide long-term protection for California's productive agricultural lands and the viability of this important sector of the California economy.~~

~~Code, to read:~~

~~65852.13. (a) As used in this section:~~

~~(1) "Important cropland" means any land shown as "prime farmland," "farmland of statewide importance," or "unique farmland" on the most recent or any previous Important Farmland Series map and means any "irrigated farmland" shown on a current or any previous Interim Farmland map prepared by the Department of Conservation pursuant to Section 65570. "Important cropland" does not include land shown as "farmland of local importance," "grazing land," "urban and built-up land," "other land," and "water" on the most recent Important Farmland Series maps and does not include any "nonirrigated farmland" shown on a current Interim Farmland map prepared by the Department of Conservation pursuant to Section 65570.~~

~~(2) "Lower income households" has the same meaning as in Section 50079.5 of the Health and Safety Code.~~

1 ~~(3) “Proximate land that is not important cropland” means~~  
2 ~~land that is not important cropland that is sufficiently close to the~~  
3 ~~important cropland that it can serve as a practical alternative for the~~  
4 ~~nonagricultural use that is proposed for the important cropland.~~

5 ~~(4) “Suitable for the proposed nonagricultural use” means that~~  
6 ~~the salient features of the proposed nonagricultural use can be~~  
7 ~~served by land that is not important cropland. The land that is not~~  
8 ~~important cropland may be a single parcel or may be a combination~~  
9 ~~of contiguous or noncontiguous parcels.~~

10 ~~(5) “Very low income households” has the same meaning as in~~  
11 ~~Section 50105 of the Health and Safety Code.~~

12 ~~(b) A county or a city may not zone, rezone, or prezone any~~  
13 ~~important cropland for a nonagricultural use.~~

14 ~~(c) Notwithstanding subdivision (b), a county or a city may~~  
15 ~~zone, rezone, or prezone important cropland for a nonagricultural~~  
16 ~~use if the county or the city finds, based on substantial evidence in~~  
17 ~~the record, all of the following:~~

18 ~~(1) The request to zone, rezone, or prezone the important~~  
19 ~~cropland is accompanied by a proposal for a specified~~  
20 ~~nonagricultural use of the important cropland.~~

21 ~~(2) The proposed nonagricultural use of the important cropland~~  
22 ~~is consistent with the applicable county or city general plan, or is~~  
23 ~~consistent with a proposed amendment to the applicable county or~~  
24 ~~city general plan.~~

25 ~~(3) The proposed nonagricultural use of the important cropland~~  
26 ~~is not likely to result in the conversion of other important cropland~~  
27 ~~to nonagricultural uses.~~

28 ~~(4) The proposed nonagricultural use of the important cropland~~  
29 ~~is essential to the long-term economic development of the county~~  
30 ~~or city.~~

31 ~~(5) One or more of the following:~~

32 ~~(A) There is no proximate land that is not important cropland~~  
33 ~~that is both available and suitable for the proposed nonagricultural~~  
34 ~~use of the important cropland.~~

35 ~~(B) The proposed nonagricultural use of the important~~  
36 ~~cropland would provide more contiguous patterns of development~~  
37 ~~than the use of proximate land that is not important cropland.~~

38 ~~(C) In the case of important cropland to be zoned, rezoned, or~~  
39 ~~prezoned for residential uses, all of the following:~~

1 (i) ~~The density of the residential use will be at least six housing~~  
2 ~~units per acre.~~

3 (ii) ~~At least 10 percent of the total number of the housing units~~  
4 ~~will be affordable to lower income households.~~

5 (iii) ~~At least 5 percent of the total number of the housing units~~  
6 ~~will be affordable to very low income households.~~

7 (d) ~~If a county or a city makes the findings required by~~  
8 ~~subdivision (c), the county or the city shall require, as a condition~~  
9 ~~of the zoning, rezoning, or prezoning, the permanent preservation~~  
10 ~~and commitment to productive agricultural use of four acres of~~  
11 ~~important cropland for each acre of important cropland zoned,~~  
12 ~~rezoned, or prezoned. The important cropland proposed to be~~  
13 ~~permanently preserved and committed to productive agricultural~~  
14 ~~use shall be equally or more suitable for agricultural use than the~~  
15 ~~land proposed to be zoned, rezoned, or prezoned to a~~  
16 ~~nonagricultural use. In determining the suitability of the land for~~  
17 ~~agricultural use, a county or city shall consider the soil quality and~~  
18 ~~water availability of the land, adjacent land uses, and any~~  
19 ~~agricultural support infrastructure.~~

20 (e) ~~The Legislature finds and declares that the conversion of~~  
21 ~~important cropland to nonagricultural uses that counties and cities~~  
22 ~~facilitate by zoning, rezoning, or prezoning important cropland,~~  
23 ~~affects California's economic development, natural resources,~~  
24 ~~social and economic equity, and environmental quality. This~~  
25 ~~conversion of important cropland to nonagricultural uses is,~~  
26 ~~therefore, an issue of statewide concern and not solely a municipal~~  
27 ~~affair. Accordingly, and notwithstanding Sections 65700 and~~  
28 ~~65803, the Legislature intends that this section applies to all~~  
29 ~~counties and cities, including charter cities.~~

30 (f) ~~This section shall remain in effect only until January 1,~~  
31 ~~2015, and as of that date is repealed, unless a later enacted statute,~~  
32 ~~that is enacted before January 1, 2015, deletes or extends that date.~~  
33 ~~It is the intent of the Legislature to evaluate the effects of this~~  
34 ~~section during 2014, and consider the extension or amendment of~~  
35 ~~this section.~~

36 SEC. 2. ~~Section 66474.5 is added to the Government Code, to~~  
37 ~~read:~~

38 66474.5. (a) ~~As used in this section:~~

39 (1) ~~“Important cropland” means any land shown as “prime~~  
40 ~~farmland,” “farmland of statewide importance,” or “unique~~

1 farmland” on the most recent or any previous Important Farmland  
2 Series map and means any “irrigated farmland” shown on a  
3 current or any previous Interim Farmland map prepared by the  
4 Department of Conservation pursuant to Section 65570.  
5 “Important cropland” does not include land shown as “farmland  
6 of local importance,” “grazing land,” “urban and built-up land,”  
7 “other land,” and “water” on the most recent Important Farmland  
8 Series maps and does not include any “nonirrigated farmland”  
9 shown on a current Interim Farmland map prepared by the  
10 Department of Conservation pursuant to Section 65570.

11 (2) “Lower income households” has the same meaning as in  
12 Section 50079.5 of the Health and Safety Code.

13 (3) “Proximate land that is not important cropland” means  
14 land that is not important cropland that is sufficiently close to the  
15 important cropland that it can serve as a practical alternative for the  
16 nonagricultural use that is proposed for the important cropland.

17 (4) “Suitable for the proposed nonagricultural use” means that  
18 the salient features of the proposed nonagricultural use can be  
19 served by land that is not important cropland. The land that is not  
20 important cropland may be a single parcel or may be a combination  
21 of contiguous or noncontiguous parcels.

22 (5) “Very low income households” has the same meaning as in  
23 Section 50105 of the Health and Safety Code.

24 (b) The legislative body of a county or city shall deny approval  
25 of a tentative map, or a parcel map for which a tentative map was  
26 not required, if it finds that the land is important cropland and that  
27 the subdivision would facilitate the conversion of the important  
28 cropland to a nonagricultural use.

29 (c) Notwithstanding subdivision (b), the legislative body may  
30 approve the tentative map or parcel map if the legislative body  
31 finds, based on substantial evidence in the record, all of the  
32 following:

33 (1) The proposed subdivision of the important cropland is  
34 accompanied by a proposal for a specified nonagricultural use of  
35 the important cropland.

36 (2) The proposed nonagricultural use of the important cropland  
37 is consistent with the applicable county or city general plan, or is  
38 consistent with a proposed amendment to the applicable county or  
39 city general plan.

1     ~~(3) The proposed nonagricultural use of the important cropland~~  
2     ~~is not likely to result in the conversion of other important cropland~~  
3     ~~to nonagricultural uses.~~

4     ~~(4) The proposed nonagricultural use of the important cropland~~  
5     ~~is essential to the long-term economic development of the county~~  
6     ~~or city.~~

7     ~~(5) One or more of the following:~~

8     ~~(A) There is no proximate land that is not important cropland~~  
9     ~~that is both available and suitable for the proposed nonagricultural~~  
10    ~~use of the important cropland.~~

11    ~~(B) The proposed nonagricultural use of the important~~  
12    ~~cropland would provide more contiguous patterns of development~~  
13    ~~that the use of proximate land that is not important cropland.~~

14    ~~(C) In the case of the subdivision of important cropland for~~  
15    ~~residential uses, all of the following:~~

16    ~~(i) The density of the residential use will be at least six units per~~  
17    ~~acre.~~

18    ~~(ii) At least 10 percent of the total number of the housing units~~  
19    ~~will be affordable to lower income households.~~

20    ~~(iii) At least 5 percent of the total number of the housing units~~  
21    ~~will be affordable to very low income households.~~

22    ~~(d) If the legislative body makes the findings required by~~  
23    ~~subdivision (c), the legislative body shall require, as conditions to~~  
24    ~~the approval of the subdivision, both of the following:~~

25    ~~(1) The permanent preservation and commitment to productive~~  
26    ~~agricultural use of one acre of important cropland for each acre of~~  
27    ~~important cropland covered by the tentative map or parcel map.~~  
28    ~~The important cropland proposed to be permanently preserved and~~  
29    ~~committed to productive agricultural use shall be equally or more~~  
30    ~~suitable for agricultural use than the land proposed to be zoned,~~  
31    ~~rezoned, or prezoned to a nonagricultural use. In determining the~~  
32    ~~suitability of the land for agricultural use, a county or city shall~~  
33    ~~consider the soil quality and water availability of the land, adjacent~~  
34    ~~land uses, and any agricultural support infrastructure.~~

35    ~~(2) Notwithstanding the size limit in paragraph (1) of~~  
36    ~~subdivision (a) of Section 66473.7, the application of the~~  
37    ~~conditions regarding a sufficient water supply required by Section~~  
38    ~~66473.7.~~

39    ~~(c) This section shall remain in effect only until January 1,~~  
40    ~~2015, and as of that date is repealed, unless a later enacted statute,~~

1 that is enacted before January 1, 2015, deletes or extends that date.  
2 It is the intent of the Legislature to evaluate the effects of this  
3 section during 2014, and consider the extension or amendment of  
4 this section.

5 SEC. 3. In enacting this act and adding Sections 65852.13 and  
6 66474.5 to the Government Code, the Legislature intends to  
7 supplement the methods for preserving important cropland. These  
8 methods are in addition to, and do not supplant, any of the other  
9 existing methods for preserving important cropland, including,  
10 but not limited to, agricultural conservation easements,  
11 conservation easements, open-space easements, and contracts and  
12 Farmland Security Zones pursuant to the Williamson Act.

